UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,202	10/23/2003	Charles David Rogers	CDRIGHT33	8170

7590 08/23/2005

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EXAMINER
LOUIS JACQUES, JACQUES H

ART UNIT	PAPER NUMBER
3661	

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/692,202	ROGERS, CHARLES DAVID
	Examiner	Art Unit	
	Jacques H. Louis-Jacques	3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
    closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) _____ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☐ Claim(s) _____ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
     a)☐ All b)☐ Some * c)☐ None of:
     1.☐ Certified copies of the priority documents have been received.
     2.☐ Certified copies of the priority documents have been received in Application No. _____.
     3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
         application from the International Bureau (PCT Rule 17.2(a)).
     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Kish et al

[6,904,341].

Kish et al '342 discloses an integrated vessel monitoring and control system, such as an

automated navigation assistance system for one or a plurality of marine vessels, wherein

there is provided a special purpose device in each marine vessel adapted to collect sensor

and vessel position data and transmit the data to a remote fail-safe server (abstract,

column 1, lines 29-40, column 2, lines 11-29). According to Kish et al, the fail-safe

server being adapted to receive and store the sensor and vessel position data, being

further adapted to receive and store static data and dynamic data, the server being still

further adapted to analyze the sensor and vessel position data the static data and the

dynamic data to generate an condition report in the event of an off-normal condition for a

vessel and to transmit the report to the special purpose device located on the vessel, and

the special purpose device being adapted to receive the off-normal condition report and to

automatically alert a vessel operator about the report. See column 3, lines 43-57, column

5, lines 13-22, and column 10, lines 3-12). Furthermore, according to Kish et al, the special purpose device is further adapted to automatically navigate the vessel. See column 12, lines 65 to column 13, line 9. According further to Kish et al, the fail-safe server is adapted to cooperatively communicate with one or a plurality of separate navigation assistance systems. See figure 1.The sensor and vessel position data, according to Kish et al, is collected and transmitted for continuous analysis by the remote fail-safe server. See columns 1 and 2. The special purpose device, according to Kish et al, further comprises an interactive operator interface means for mariner-initiated communication with the server and the fail-safe server further comprises an interactive human interface means to enable human-initiated communication with the mariner (operator) through the special purpose device. See column 5, lines 24-44. There is provided, according to Kish et al, external communication means for initiating contact with a third party. See column 11, lines 5-25. Still according to Kish et al, the special purpose device further includes one or a plurality of ports for data transfer with other electronic devices and emergency beacon means for automatically notifying rescue personnel of vessel location in case of an emergency condition. See column 15, lines 25-45.

3.   Claims 1-17 are also rejected under 35 U.S.C. 102(e) as being anticipated by Cline [US 2004/0193367]

Cline discloses a method and system for marine vessel tracking system for automatically and accurately monitoring and controlling a plurality of marine vessels. According to

Cline, there is provided an automated navigation assistance system for one or a plurality

of marine vessels (abstract), wherein there is provided a special purpose device in each

marine vessel adapted to collect sensor and vessel position data and transmit the data to a

remote fail-safe server ([0003], [0004]). According to Kish et al, the fail-safe server being

adapted to receive and store the sensor and vessel position data, being further adapted to

receive and store static data and dynamic data, the server being still further adapted to

analyze the sensor and vessel position data the static data and the dynamic data to

generate an condition report in the event of an off-normal condition for a vessel and to

transmit the report to the special purpose device located on the vessel, and the special

purpose device being adapted to receive the off-normal condition report and to

automatically alert a vessel operator about the report, the special purpose device is further

adapted to automatically navigate the vessel and the fail-safe server is adapted to

cooperatively communicate with one or a plurality of separate navigation assistance

systems. See paragraphs [0005], [0006], [0007], [0008], [0033], [0035], [0039], and

[0072]. The sensor and vessel position data, according to Kish et al, is collected and

transmitted for continuous analysis by the remote fail-safe server. See paragraph [0090].

The special purpose device, according to Kish et al, further comprises an interactive

operator interface means for mariner-initiated communication with the server and the

fail-safe server further comprises an interactive human interface means to enable human-

initiated communication with the mariner (operator) through the special purpose device.

See paragraphs [0043], [0101. There is provided, according to Kish et al, external

communication means for initiating contact with a third party. See paragraph [0037]. Still

according to Kish et al, the special purpose device further includes one or a plurality of ports for data transfer with other electronic devices and emergency beacon means for automatically notifying rescue personnel of vessel location in case of an emergency condition. See paragraphs [0043], [0064], [0067], [0086]. See also paragraphs [0048], [0049] and [0103].

Conclusion

4.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Each of the below cited references is considered to be very pertinent to Applicant's claimed invention. However, in order to avoid a lengthy office action, these references are not being applied against the claims. It will in Applicant's best interest to carefully consider these references in reply to this office.

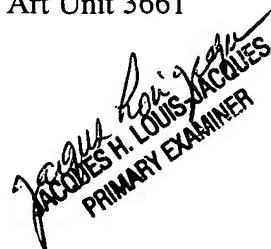|		
6,469,641	Lash et al	Oct. 2002
6,487,983	Jonsson et al	Dec. 2002
6,611,737	El-Tahan et al	Aug. 2003
6,658,349	Cline	Dec. 2003
6,816,088	Knoska et al	Nov. 2004
US2004/0111195	Vries et al	Jun. 2004
US2004/0217900	Martin et al	Nov. 2004
US2004/0243859	Mueller et al	Dec. 2004

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacques H. Louis-Jacques whose telephone number is 571-272-6962. The examiner can normally be reached on M-Th 5:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 571-272-6956. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jacques H Louis-Jacques
Primary Examiner
Art Unit 3661

/jlj